

# CITY OF MIAMI BEACH

## Priorities for the State of Florida 2004 Legislative Session

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### LEGISLATIVE AGENDA

- **Bert J. Harris Act**
- **Consultants' Competitive Negotiation Act**
- **Convention Center Sales Tax Refund**
- **Record Retention Timeframes / Digital Imaging**
- **Executive Session**
- **Convention Development Tax**
- **Article V Implementation**
- **Monitor**
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  - Windstorm Insurance
  - Outdoor Advertising
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  - Public Notices
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- **Statewide Issues**
  - Funding for Local Water Projects
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- **Operating and Capital Needs**
- **District Cost Differential**
- **Unify State and Federal Accountability systems**
- **Workforce Development Funding**
- **Graduation Requirements**
- **Local Control / Municipal Charters**

## **Legislative Agenda**

### **Bert J. Harris Act**

The City opposes legislation that weakens or removes the sovereign immunity provision in the Bert Harris Act, and further will work to support legislation that not only maintains, but strengthens the sovereign immunity provision.

### **Consultant's Competitive Negotiation Act – Amend Section 287.055, Florida Statutes**

The selection criteria as outlined in Section 287.055(4)(b) states that "in determining whether a firm is qualified, the agency shall consider such factors as the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current and projected workloads of the firms, and the volume of work previously awarded to each firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms."

The required criteria results in confusion and/or feedback from both committee members and participating Architectural and Engineering (A/E) firms as to the applicability or validity of the following factors:

1. Willingness to meet time and budget requirements. When A/Es find themselves in a competitive process, they all state on the record without any hesitation, that they are willing to meet time and budget requirements. It is recommended that this criterion be deleted. The true test should be the A/Es past performance in meeting time and budget requirements.
2. Recent, current and projected workloads of the firms. This very subjective criterion has resulted in confusion by the various evaluation committee members. If a firm has been successful, and as a result of said success has a long list of recent, current, and projected projects, should that be used to penalize the firm? Should committee members judge an A/E firm's ability to take on additional work? A firm's workload should not have any impact on whether the firm is capable of performing on the project. The firm's capabilities should be based on their experience, qualifications, knowledge, skills, abilities, and the knowledge, skills and abilities of their project team
3. Location. Most evaluation committees have agreed that this criterion should be allocated a low weight. On at least one occasion, there existed a very contentious protest by a local A/E firm who was a close second to an out-of-state A/E. Whether a firm receives points on their location should be a local policy decision made by the City Commission.

The proposed change significantly reduces the City's exposure to lawsuits and/or protests. It provides local governments the authority to determine its best interest, and which factors should be considered in the selection of A/E firms.

### **Convention Center Sales Tax Refund – Amend Sections 212.20 and 288.1171, F.S.**

This program will return 50% of the revenues remitted to the State from taxes on sales and use at the Convention Center to the City for business recruitment and retention purposes. The prior proposal was for the recruitment of high-tech, research and development, manufacturing and tourism industries. The City of Miami Beach desires that this program be eligible for the recruitment of all industries listed on the targeted industry list of the State's QTI Tax Refund Program.

This legislation was introduced during the 2002 and 2003 Legislative Sessions. Approval of this program will generate approximately \$250,000 annually for the business recruitment and retention efforts of the City. The City of Miami Beach supports the introduction and passage of this legislation during the 2004 Florida Legislative Session.

### **Record Retention Timeframes / Digital Imaging**

Currently, State statute establishes mandatory retention periods for various types of records that are kept by municipalities. Some types of personnel records must be maintained for 50 years after employment. The retention of these and other types of records require that sometimes significant costs be borne by the City. The City of Miami Beach supports

legislation that reduces the time periods that records must be retained or enhances the digital imaging option for the City's record keeping.

#### **Executive Session – Amend Section 286.011, Florida Statutes**

Currently, Florida Statute that governs Executive Session limits the persons that are authorized to attend. The City supports legislation that will allow the appropriate Assistant City Manager and/or Department Director to attend when their attendance is deemed necessary. The following amendment language is proposed:

286.011

(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, and the assistant manager and department director responsible for the matter, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met...

#### **Convention Development Tax – Amend Section 212.0305, Florida Statutes**

Currently, Florida Statutes define the types of projects that the Convention Development Tax may be utilized for. The Statute further provides a separation of the collections into 1/3 and 2/3 amounts. The City supports a conforming amendment to the Convention Development Tax Act that expands the eligible uses of the 2/3 portion of the revenues, to include the project types that are currently authorized for the 1/3 portion.

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(4) AUTHORIZATION TO LEVY; USE OF PROCEEDS; OTHER REQUIREMENTS.—

(b) Charter county levy for convention development.—

2. All charter county convention development moneys, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

a. Two-thirds of the proceeds shall be used to extend, enlarge, and improve the largest existing publicly owned convention center in the county.

b. One-third of the proceeds shall be used to construct a new multipurpose convention/coliseum/exhibition center/stadium or the maximum components thereof as funds permit in the most populous municipality in the county.

c. After the completion of any project under sub-subparagraph a., the tax revenues and interest accrued under sub-subparagraph a. may be used to acquire, construct, extend, enlarge, remodel, repair, improve, plan for, operate, manage, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, ~~or~~ auditoriums, golf courses, or related buildings and parking facilities and may be used to acquire and construct an intercity light rail transportation system as described in the Light Rail Transit System Status Report to the Legislature dated April 1988, which shall provide a means to transport persons to and from the largest existing publicly owned convention center in the county and the hotels north of the convention center and to and from the downtown area of the most populous municipality in the county as determined by the county.

d. After completion of any project under sub-subparagraph b., the tax revenues and interest accrued under sub-subparagraph b. may be used, as determined by the county, to operate an authority created pursuant to subparagraph 4. or to acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, auditoriums, golf courses, or related buildings and parking facilities in the most populous municipality in the county.

#### **Article V Implementation**

The City will monitor and evaluate the impact of Article V on the City, and will support legislation that significantly reduces or eliminates the fee schedules for the enforcement of municipal code or ordinance violations

#### **Monitor Legislation of Importance**

Every Legislative Session, issues arise that are of importance to the City. The Administration and its representatives monitor these issues as they develop in order to respond in the best interest of the City. For the 2004 Florida Legislative Session, issues that the Administration has identified are Convention Development Tax, Community Redevelopment, Windstorm Insurance, Outdoor Advertising, Cell Phone Tower Siting, Red Light Photo Enforcement, and Public Notice requirements. The Administration and its representatives will also work with the Florida League of Cities to monitor issues of local authority as they develop in order to respond in the best interest of the City.

### **Administrative Agenda**

#### **Department of Environmental Protection**

The City's Beachfront Management Plan expired on February 5, 2003. The Plan renewal has

been approved by the Department of Environmental Protection with certain conditions. The Administration is in the process of incorporating those conditions into the plan, which will be submitted to DEP for final approval. The City's lobbyists will continue to work with the City and DEP on this item through its completion.

#### **Florida Department of Transportations**

Work with the Florida Department of Transportation to develop a mechanism whereby the State will authorize the creation and regulation of sidewalk cafés on the State right-of-way. The City will also work with the Department to further the Julia Tuttle Lighting Project.

### **Funding Agenda**

#### **Community Budget Request**

##### National Heritage Area

The City is currently exploring application to the National Park Service to create a National Heritage Area in Miami Beach. Currently, there are 23 designated areas nationwide, but none exist in Florida. A National Heritage Area is a region in which residents, businesses, and local governments have joined together to conserve and celebrate heritage and special landscapes. It is an area where culture and history shape the landscape, where the land and the local environment, over time, have shaped traditions and cultural values in the people who live there, and where the residents' use of the land has, in turn, created and sustained a landscape that reflects their cultures. The first step in the process is a feasibility study. Since the designation requires significant local, regional, and statewide support, the City is seeking funding for the study from the State of Florida in the 2004-2005 Budget.

#### **Statewide Issues**

##### Funding for Local Water Projects

Twenty-five million dollars that was previously allocated to the South Florida Water Management District from Florida Forever is now going to Everglades Forever to help the State meet their commitment. Additionally, the Governor's budget has been as low as \$18 million for water projects, while the Legislature used to appropriate approximately \$100 million. No local water projects were funded during the 2003 Legislative Session, and it is imperative that local water projects be budgeted for through the South Florida Water Management District and awarded during the 2004 Legislative Session.

##### Funding for Entertainment Industry Incentives

During the 2003 Legislative Session, the Legislature passed HB 1149, which is an incentive program for television/film/commercial/music video production in Florida. Unfortunately, although the structure of the program was approved, no funding was allocated to support it. The high level of production in South Florida in the past two years, combined with the fiscal crisis in California, make now the most opportune time to fund this program and begin an aggressive marketing campaign to attract production to Florida. The City of Miami Beach supports full funding of the Office of the State Film Commissioner, and a \$50 million appropriation to fund the new incentive program.

##### Funding for Historic Preservation and Cultural Programs

The City seeks reinstatement of the trust fund and full funding for Historic Preservation and Cultural Programs.

##### Funding for Beach Renourishment

The City supports restoration of the amount in the trust fund for beach renourishment to \$30 million during the 2004 Session.

#### **Grant Support**

The City's representatives in Tallahassee will continue to assist the City in the identification, pursuit, and acquisition of grants that are submitted for State funds for City projects and

priorities.

## **Education Agenda**

### **Universal Pre-K**

Appropriately fund Universal Pre-K to ensure the ability to hire quality certified teachers.

### **Operating and Capital Needs**

Appropriately fund operating and capital needs of school districts to ensure the delivery of quality educational programs.

### **District Cost Differential**

The City supports the continuation of the District Cost Differential in order to compensate for a higher district cost of living and will oppose any legislative to reduce or eliminate the formula.

### **Unify State and Federal Accountability Systems**

If the State has an accountability plan that is approved by the United States Department of Education as meeting the intent of NCLB, then that state plan determines whether a school is meeting annual yearly progress. The City urges the State to pursue acceptance of the State program as an alternative to the federal accountability requirements.

### **Workforce Development Funding**

Increase workforce development funding, ensure it remains a separate funding category, and support continuation funding for adults with disabilities. Provide increased funding weights and mandate industry certification for secondary technical education programs.

### **Graduation Requirements**

The City supports the reinstatement of the number of credits required for graduation from 18 to 24.

### **Municipal Charter**

The City will monitor activities regarding Municipal Charter Schools.